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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

WHITE, R

ART UNIT

PAPER NUMBER

3636

DATE MAILED:

05/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/422,067

Applicant(s)
David M. Bapst

Examiner
Rodney B. White

Art Unit
3636



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 23, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 13, and 16 is/are rejected.
- 7) ☒ Claim(s) 3-5, 7-12, 14, 15, and 17-20 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/23/01 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masucci (U.S. Patent No. 4,712,892) in view of Cone, II (U.S. Patent No. 6,000,753).

Masucci teaches a car seat 16 for restraining an infant in a vehicle seat comprising an infant carrier 16, and a mirror 22 mounted on the back portion of an infant observation device in a position visible to a driver of the vehicle in a rear-view mirror when the infant carrier is secured on the vehicle. Masucci even teaches what appears to be a platform or base structure that has no reference number on which the infant carrier 16 is placed to perhaps protect the upholstery of the vehicle seat (See Fig. 1). Masucci does not teach that the mirror is attached to that platform.

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However, Cone, II teaches the concept of securing a child carrier to a base support 10, the base support having a back portion 37 and a carrier engagement portion 34, an infant carrier detachably mounted to the base support, the back portion 37 extending in a substantially vertical direction when the base support is secured to the vehicle seat using the vehicle's seat belt (See Figures 5-6, 8, and 10). It would have been obvious and well within the level of ordinary skill in the art to modify the child seat and mirror arrangement, as taught by Masucci, to include a base support, as taught by Cone, II, so that the mirror could be attached to the back portion 37 of the base support 10 so that the number of parts would be reduced and the forward end of the child carrier would not be required to press against the back portion 34 of the mirror to prevent forward movement of the mirror and one would not have to solely rely on the vehicle seat belt system to hold the entire child carrier and mirror arrangement in place. Also, the attachment of the mirror to the back portion 37 of the base support 10 would preclude the additional protective platform on which the child carrier is placed, illustrated by Masucci in Fig. 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masucci in view of Stein (U.S. Patent No. 5,884,827).

Masucci teaches an infant carrier but fails to teach the specifics of the infant carrier handle of the present invention. However, Stein teaches the structure of a infant carrier handle comprising a substantially flexible strap for a pivotal connection at opposite ends to longitudinally opposed end of the infant carrier, with a first portion 22 being sufficiently rigid to be self supporting and to extend from one of the opposed ends of the infant carrier, and a second portion 48 being soft and flexible to be extended from the other of the opposed ends of the infant carrier. (Fig. 1). It would have been obvious and well within the level of ordinary skill in the art to modify the infant carrier, as taught by Masucci, to include a carrier handle, as taught by Stein, since the handle taught by Stein would provide easy transport for the infant carrier and its structure would allow the handle would allow it to hang to the sides of the infant carrier and not be an obstruction to the parent while the self-supporting portion would allow for quick and easy grasping of the handle to transport the infant carrier with or without an infant placed inside the infant carrier.

6. Claims 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter in claims 14-15:

Prior art fails to teach the second portion of the strap terminating in strap anchor and wherein excess length of the strap can be wrapped around the anchor to form a bundle adapted to be fitted in an opening in the infant carrier and prevented from being unwrapped as long as the anchor remains in the opening.

8. Claims 3-5, 7-12, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter in the claims 3-5, 7-12, and 17-20:

Prior art fails to teach how the base support as taught by Cone, II can include the carrier engagement portion of the base support having an opening for receipt of a portion of one end of the infant carrier and a raised portion for the engagement with a latch hook mounted on the infant carrier as claimed in claims 3 and 7. Although prior art teaches actuating mechanisms mounted on infant carriers for linear reciprocating motion in an axial direction of an infant carrier, prior art fails to teach how the base support as taught by Cone, II can include such an actuating mechanism

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mounted on his infant carrier for linear reciprocating motion in an axial direction of the infant carrier as claimed in claim 17.

Remarks

The Applicant traverses the rejection of claims 1-2, 6, and 16 using Masucci in view of Cone, II, specifically that the mirror of Masucci, if attached to the back portion of the base support of the Cone, II reference, would destroy the utility of the mirror. The base support of the Masucci reference is very similar in structure to the base support of the Cone, II, reference in that there are two substantially planar portions attached to one another to form the support. The mirror is attached to a "back portion" of the base support, thus satisfying the limitations of claims 1-2. It is not understood why the Applicant does not understand that the mirror of Masucci is very capable of being attached or mounted to the back portion of the base support of the Cone, II reference. All parts of the base support on Cone, II can be made at a larger scale, as well as the mirror of the Masucci reference to extend to the proper location to allow visibility from a rear view mirror. Also, the infant carrier of the Cone, II, reference could be made differently, such as one similar in shape or structure as the Masucci reference and other well known prior art and still work in cooperation with the base support as taught by Cone, II. So, though it seems the mirror would be too small, or the back portion of the base support of Cone, II, appears to be too small or not extending upwardly high enough, or whatever concerns the Applicant has, those parts

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could very well be manufactured at different scales, shapes, or configurations to achieve the objectives of the invention. Also, the Applicant should remember that the Cone, II reference is used as a teaching concept and/or to modify the Masucci reference. The Cone, II, reference is used to teach how the Masucci reference can be "detachably mounted to..... (a) base support", therefore satisfying the limitations of the independent claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687/3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Rodney B. White,
Patent Examiner
Art Unit 3636
May 4, 2001



Peter M. Cuomo
Supervisory Patent Examiner
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